



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**Certificate for Riparian Water Right**

CERTIFICATE NO.: 47

*Under the provisions of Section 26013 of the Public Resources Code or Section 2821 of the Public Utilities Code,*

**NORMAN ROSS BURGESS**

**claims a riparian water right for water from Mud Creek, Middle Creek, Rock Creek and Bluford Creek tributary to Eel River for operation of Three Forks hydroelectric facility, (FERC License #10882).**

*In the opinion of the State Water Resources Control Board (Board) the above named private energy producer possesses riparian rights which authorize operation of the hydroelectric facility, subject to the limitations set forth below. The Board's opinion in this matter is based on judgment of the Superior Court, County of Sacramento, dated April 13, 1992, in the case Norman Ross Burgess v. State of California, State Water Resources Control Board, No. 367306. A Notice of Appeal from that judgment has been filed. The Board may modify or withdraw its opinion in this matter as may be required as a result of any reversal or modification of the Superior Court judgment.*

*This certificate is based upon representations made by the producer and if the facts are other than as represented or if material facts were not disclosed, the right certified may not exist. Certification is based upon California decisional law which recognizes riparian rights and limits the exercise of such rights. Some questions concerning the exercise of riparian rights have not been resolved. Ultimately, only a court of law can validate the use of water under a riparian claim.*

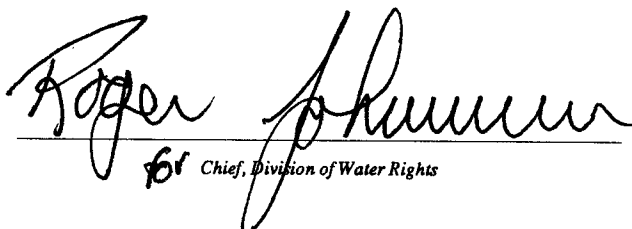
*The Board does not certify that: (1) sufficient water is present in the stream to satisfy the claimed right; (2) the claimed right has a priority to the use of available water; or (3) the claimed right is entitled to a specific quantity of water. The producer is not entitled under riparian right to the use of water which is foreign in time or in source to the stream from which the facility diverts water.*

*The Board does not certify that the producer will be free from the claims of other users of water. The Board does not certify that the producer has the right to use any property other than the producer's own when exercising the claimed right.*

*The Board does not certify that the use of water is consistent with the public trust doctrine or the prohibition against waste or unreasonable use or unreasonable method of diversion of water set forth in Article X, Section 2 of the California Constitution and in Water Code Section 100.*

DATED: May 8, 1992

STATE WATER RESOURCES CONTROL BOARD

  
for Chief, Division of Water Rights